

REMARKS

In response to the July 13, 2007 Office Action the Applicant hereby makes the above noted amendments and the below remarks, which it believes places the Claims in condition for allowance. Claims 1-16 are pending in this application. Claims 1-16 are rejected. Claims 1 and 9 have been amended.

Claim Objections and Rejections under 35 USC §112

Applicant has made amendments to the claims to traverse the outstanding objection. Reconsideration is requested.

Claim Rejections 35 USC §103

Claims 1-16 are rejected under 35 USC 103(a) as being unpatentable over Morrison et al (US 4207087) in view of Landsinger et al (US 4346893).

Morrison discloses an electronic board game that provides audible and visual indications of the progress of the game and the participant and specifically a game wherein a participant may play against the machine or with a device that directs the interaction of two participants. Landsinger, on the other hand, discloses two remote controlled wheel driven sports figures. In each figure, a drive system drives two wheels simultaneously with reversal of direction of the motor operating a cam slide member through a spring clutch to lift one drive wheel for turning. Players control the two sports figures to manipulate a game object, such as a ball or puck. The Patent Office feels it would have been obvious to integrate the teachings of Landsinger into the teachings of Morrison in order to further stimulate the player's interest in the game by providing the addition of wheels to move the housing of Morrison's game during game play.

The Applicant appreciates the teachings of the references but respectfully disagrees with the Patent Office's rejections and its ability to combine the references.

As the USPTO is well aware, to establish a prima facie case of obviousness under 35 USC §103(a), three basic criteria must be met. First, the prior art reference must teach or suggest all the claimed limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally, there must be a reasonable expectation of success.

The first criteria requires that the prior art references must teach or suggest all the claimed limitations. Even with the combination of Landslinger and Morrison, the Patent Office still fails to teach or suggest all the claimed limitations. Neither reference discloses a means to control the rate and direction of movement of the device based on the correctness of responses made by the user to the sequence of events generated by the device as provided in the amended claims. Landslinger only discloses the ability to move a device by inputs from a user on a remote control. It does not disclose that the device should be controlled based on the correctness of the user's inputs. Therefore, even if Morrison is combined with the mechanical means provided in Landslinger, there would still be a lack of teaching and support for the requirement that the microprocessor includes programming to control the rate and direction of movement of the device based on the correctness of the responses made to the sequence of events generated by the device.

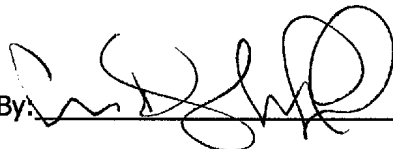
Furthermore, the second criteria require that there be some suggestion or motivation to modify Morrison or to combine reference teachings. The references lack any such suggestion or motivation to add such movement and control as amended in Applicants' claims to Morrison. Even when the prior art is combined the claimed elements provide more than a predictable variation as the claimed elements provide for an increase gaming experience, rendering the game more enjoyable than Morrison envisioned and not predictable by the more combination of Landslinger to Morrison.

With the amendments and remarks made herein to follow the Examiner's suggestions, a notice of allowance is respectfully requested.

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If the Office has additional questions, please contact the undersigned at 312-521-2775.

Respectfully submitted,

By: _____

Adam K Sacharoff
Reg. No. 43,075

Much Shelist Denenberg Ament & Rubenstein, PC
191 N. Wacker Drive, Suite 1800
Chicago, IL 60606